

ESTTA Tracking number: **ESTTA769744**

Filing date: **09/09/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company
Granted to Date of previous extension	09/11/2016
Address	7000 Coliseum Way Second Floor Oakland, CA 96421 UNITED STATES
Attorney information	KRYSTIL A MCDOWALL COWAN LIEBOWITZ & LATMAN PC 114 WEST 47TH STREET NEW YORK, NY 10036 UNITED STATES trademark@cll.com, rje@cll.com, kam@cll.com, mlk@cll.com, njh@cll.com, las@cll.com Phone:212-790-9200

Applicant Information

Application No	86785667	Publication date	03/15/2016
Opposition Filing Date	09/09/2016	Opposition Period Ends	09/11/2016
Applicant	Shenzhen Faren Technology Co., Ltd 1808 Bldg. 30 East New Vil. Minzhi St. Longhua New, Shenzhen, CHINA		

Goods/Services Affected by Opposition

Class 018. First Use: 2015/09/28 First Use In Commerce: 2015/09/28

All goods and services in the class are opposed, namely: Animal hides; Attache cases; Backpacks; Backpacks, book bags, sports bags, bum bags, wallets and handbags; Bags for sports; Belt bags and hip bags; Briefcase-type portfolios; Briefcases and attache cases; Business card cases; Canes and walking sticks; Clutches; Diaper bags; Dolly bags; Folding briefcases; Garment bags for travel; Handbags; Hiking sticks; Key bags; Key cases; Kit bags; Leather bags, suitcases and wallets; Leather creditcard wallets; Leather pouches; Mesh shopping bags; Messenger bags; Multi-purpose purses; Pet clothing; Pocket wallets; Purses; Rucksacks; School bags; Shoppingbags made of skin; Sling bags; Textile shopping bags; Traveling bags; Trunks; Umbrellas and parasols; Umbrellas and their parts; Unfitted vanity cases; Vanity cases sold empty; Wallet chains; Wallets; Wash bags for carrying toiletries

Grounds for Opposition

Other	see attached pleading
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Attachments	A DMETUS - NOO.pdf(479466 bytes) A DMETUS - Letter to Commissioner.pdf(76377 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Robert J. English/
Name	Robert J. English
Date	09/09/2016

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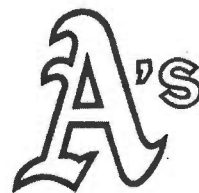
Briefcase-type portfolios; Briefcases and attache cases; Business card cases; Canes and walking sticks; Clutches; Diaper bags; Dolly bags; Folding briefcases; Garment bags for travel; Handbags; Hiking sticks; Key bags; Key cases; Kit bags; Leather bags, suitcases and wallets; Leather credit card wallets; Leather pouches; Mesh shopping bags; Messenger bags; Multi-purpose purses; Pet clothing; Pocket wallets; Purses; Rucksacks; School bags; Shopping bags made of skin; Sling bags; Textile shopping bags; Traveling bags; Trunks; Umbrellas and parasols; Umbrellas and their parts; Unfitted vanity cases; Vanity cases sold empty; Wallet chains; Wallets; Wash bags for carrying toiletries” (“Applicant’s Goods”) and as shown in Application Serial No. 86/785,667 (the “Application”), and having been granted extensions of time to oppose up to and including September 11, 2016, hereby opposes the same.

As grounds for opposition, it is alleged that:

1. Opposer is the owner of the renowned OAKLAND ATHLETICS MAJOR LEAGUE BASEBALL club.
2. Since long prior to September 28, 2015, Applicant’s claimed first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have used names and/or marks comprising or containing the letter A or the letters A’s, including, without limitation, in the distinctive stylizations shown below:



and



(Opposer’s Stylized

A Marks”), alone or with other designs and/or words (collectively, “Opposer’s A Marks”), in connection with baseball games and exhibition services and a wide variety of goods and services,

including, but not limited to, tote bags, sport bags, purses, backpacks, wallets and umbrellas; apparel; jewelry; paper products and printed matter; toys and sporting goods; and novelty items, and the Opposer's club has widely been referred to by fans, the public and the media as the "A'S" (collectively, "Opposer's A'S Marks").

3. Opposer owns United States federal registrations for Opposer's A'S Marks in International Classes 6, 9, 11, 14, 16, 18, 20, 21, 24, 25, 28 and 41; namely, Registration Nos. 1,234,697; 1,257,146; 1,263,825; 1,267,687; 1,267,861; 1,523,854; 1,530,675; 1,560,962; 1,570,831; 2,573,396; 2,630,348; 2,759,932; 3,349,787 and 3,349,788. Registration Nos. 1,234,697; 1,257,146; 1,263,825; 1,267,687; 1,267,861; 1,523,854; 1,530,675; 1,560,962; 1,570,831; 2,573,396; 2,630,348; 2,630,348; 2,759,932 and 3,349,787 are incontestable.

4. Since long prior to September 28, 2015, Applicant's constructive first use date, Opposer and its predecessors, and their affiliated and related entities, licensees and/or sponsors have promoted and advertised the sale and distribution of goods and services bearing or offered in connection with Opposer's A'S Marks, including, but not limited to, baseball games and exhibition services, and a wide variety of goods and services, including, but not limited to, tote bags, sport bags, purses, backpacks, wallets and umbrellas; apparel; jewelry; paper products and printed matter; toys and sporting goods; and novelty items, and have offered such goods and rendered such services in commerce.

5. As a result of the sales and promotion of its goods and services bearing or offered in connection with Opposer's A'S Marks, Opposer has built up highly valuable goodwill in Opposer's A'S Marks, and said goodwill has become closely and uniquely identified and associated with Opposer.

6. On October 13, 2015, Applicant filed the Application for Applicant's Mark for Applicant's Goods, claiming a first use date of September 28, 2015.

7. Upon information and belief, Applicant did not use Applicant's Mark for Applicant's Goods in United States commerce prior to its claimed first use date of September 28, 2015.

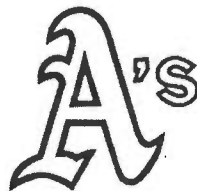
8. The goods covered by the Application are identical and/or closely related to the goods offered and services rendered in connection with Opposer's A'S Marks.

9. Applicant's Mark contains a stylized "A" that is the dominant element of the mark and that is virtually identical to Opposer's Stylized A's Marks that often appear in the center of a circle design similar to Applicant's Mark as shown below:

Applicant's Mark



Opposer's Stylized A's Marks



10. Applicant's Mark so resembles Opposer's A'S Marks as to be likely, when used in connection with Applicant's Goods, to cause confusion, to cause mistake, and to deceive the trade and public, who are likely to believe that Applicant's Goods have their origin with Opposer and/or that such services are approved, endorsed or sponsored by Opposer or associated in some way with Opposer. Opposer would thereby be injured by the granting to Applicant of a certificate of registration for Applicant's Mark.

WHEREFORE, Opposer believes that it will be damaged by registration of Applicant's Mark and requests that the opposition be sustained and said registration be denied.

Please recognize as attorneys for Opposer in this proceeding Mary L. Kevlin, Richard S. Mandel, Krystil McDowall and Robert J. English (members of the bar of the State of New York) and the firm Cowan, Liebowitz & Latman, P.C., 114 West 47th Street, New York, New York 10036.

Please address all communications to Mary L. Kevlin, Esq. at the address listed below.

Dated: New York, New York
September 9, 2016

Respectfully submitted,

COWAN LIEBOWITZ & LATMAN, P.C.
Attorneys for Opposer

By: /Robert J. English/

Mary L. Kevlin
Richard S. Mandel
Krystil McDowall
Robert J. English
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on September 9, 2016, I caused a true and correct copy of the foregoing Notice of Opposition to be sent via First Class Mail, postage prepaid, to Applicant's

Correspondent of Record:

DONG ZHI GUANG

901 DATA CENTRE, PO BOX910 XUEYUAN RD.20

HAIDIAN, BEIJING 100083 CHINA.

/Robert J. English /
Robert J. English



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September 9, 2016

By Electronic Filing

Commissioner for Trademarks
Attn: TTAB
P.O. Box 1451
Alexandria, VA 22313-1451

Re: Major League Baseball Properties, Inc.
Notice of Opposition Against
Shenzhen Faren Technology Co., Ltd.
Application to register
A DMETUS and Design
Ref. No. 21307.034

Dear Commissioner:

We enclose a Notice of Opposition against Application Serial Number 86/785,667, published in the Official Gazette on March 15, 2016. Contemporaneously with the electronic filing of this Notice of Opposition, we are arranging for an electronic payment in the amount of \$300 to cover the filing fee.

If the amount received is insufficient and additional fees are required, please charge our Deposit Account No. 03-3415.

Please address all future correspondence to the attention of Mary L. Kevlin of Cowan, Liebowitz & Latman, P.C.

Respectfully submitted,

/Robert J. English/
Robert J. English

Enclosures

cc: Ms. Diane Kovach (w/encs.)
Mary L. Kevlin, Esq. (w/encs.)